



PLANNING BOARD

Report to Town Meeting

~ DRAFT ~

ARTICLE TAXI SERVICES

To see if the Town will amend Sections 3.340.3 and 5.013, and Article 12, of the Zoning Bylaw, by deleting the ~~lined-out~~ language and adding the language in ***bold italics***, as follows:

~ SEE ATTACHMENT ~

Recommendation

The Planning Board voted 5-0 to recommend that Town Meeting adopt Article 6.

Background

For many years, Amherst had no provision regarding taxi or limousine services in its Zoning Bylaw. These activities were principally regulated as businesses under the licenses required from the Select Board and Police Department. As a land use under zoning, these transportation services were often regulated as office uses where potential passengers contacted the service by telephone and vehicles were dispatched. Many passengers were picked up at the taxi stand on the Common (near the former Peter Pan bus stop) or at their homes.

In the last few years, there has been an increase in the number of small taxi firms with only 1 or 2 vehicles operating out of an operator's home as an accessory use to the residence. Larger taxi firms proposing to have multiple vehicles on-site have also sought permits, forcing the Building Commissioner to regulate them under the closest use category—Section 3.340.3, Railroad or bus depot or other transportation facility. This category is a poor fit, so the Commissioner appealed to the Planning Board to develop a better way to regulate these transportation services under zoning.

The Proposal

Article 6 acknowledges two categories of taxi or limousine service. Section 3.340.3 is amended to become a broader category entitled "Transportation facilities" that would contain two sub-categories. Section 3.340.30 would regulate the existing and longstanding 'public transit' uses like railroads and bus

depots, and Section 3.340.31 would constitute a new category regulating taxicabs, limousines, and other similar uses.

Language is added to that second new category that spells out thresholds of intensity (whether patrons come to or leave from the site, numbers of vehicles, on-site maintenance, etc.) to distinguish between a taxi or limousine service as the principal use of a property, and those same activities as accessory uses.

A specific reference to these uses and their thresholds is added to the existing accessory 'home occupation' Section 5.013 of the Bylaw.

Article 6 also adds to Article 12, Definitions, new definitions for "taxicab" and "limousine" which are consistent with Massachusetts law.

Public Hearing

Following review of the proposed article by Town Counsel, the Planning Board held a public hearing on the proposed amendment on March 4. After the close of the hearing and further discussion, the Board voted 5-0 to recommend that Town Meeting adopt Article 6.

ATTACHMENT

To see if the Town will amend Sections 3.340.3 and 5.013, and Article 12, of the Zoning Bylaw, by deleting the ~~lined-out~~ language and adding the language in ***bold italics***, as follows:

A. Amend Section 3.340.3 as follows:

3.340.3 *Transportation facility***3.340.30** Railroad or bus depot or other transportation facility

R-O

R-LD R-N R-VC R-G R-F B-G B-L B-VC COM OP LI PRP FPC

SP SP SP SP SP SP SP SP SPR SP SP SP SP

Standards & Conditions

~~Excluding any office, storage, or repair use unless otherwise allowed by the regulations of the district.~~

3.340.31 *Taxicab, limousine service and similar uses.*

R-O

R-LD R-N R-VC R-G R-F B-G B-L B-VC COM OP LI PRP FPCN N N N N ***SPR*** ***SP*** ***SPR*** ***SPR*** ***SP*** ***SP*** ***SP*** ***N***

Standards & Conditions

The operation of a taxi or limousine (livery) service shall be considered a principal use regulated under this section of the Bylaw when any of the following conditions are met: 1) passengers are transported from or delivered to the site, or; 2) three or more vehicles are physically dispatched from or stored on-site, or; 3) any vehicle carries more than 8 passengers, or; 4) on-site activities include ongoing associated vehicle maintenance and repairs.

The operation of a taxicab or limousine service may be permitted as an accessory home occupation under the provisions of Section 5.013 when all of the following conditions are met: 1) on-site activity is limited to dispatch and storage of no more than two vehicles, 2) no vehicle used by the service is capable of carrying more than eight

passengers, 3) only occasional minor vehicle maintenance occurs on-site, and 4) no passengers visit the premises.

B. Amend the first paragraph of Section 5.013, as follows:

5.013 Home Occupation - The Board of Appeals may authorize, by issue of a Special Permit, the use of a portion of a dwelling or building accessory thereto as the workroom of a resident artist, craftsperson, beautician, dressmaker, milliner, photographer, cabinetmaker, skate sharpener, radio repair technician, or other person engaged in a customary home occupation, ***or as the office of a resident taxicab or limousine service operator (see Section 3.340.3),*** or as a place for incidental work and storage in connection with the off-premises trade by a resident builder, carpenter, electrician, painter, plumber or other artisan, or by a resident tree surgeon, landscape gardener or similar person, provided that: . . .

C. Amend Article 12, by adding the following new definitions, the first under current Section 12.22, and the second under Section 12.34 or 12.35, as appropriate, with the remaining sections renumbered as appropriate:

12.22 ***Limousine: A livery vehicle primarily garaged or engaged for hire in the town of Amherst, which is used to carry passengers under pre-arranged contract for an agreed-upon hourly fare, or; operates as a charter, business courtesy, employee shuttle, customer shuttle, or; a motor vehicle on a regularly scheduled route without the use of a taximeter.***

12.35: ***Taxicab: A vehicle for hire used for the conveyance of persons from any point of origin within the town of Amherst to any other location for a fee, whether hourly or by a taximeter; except livery vehicles as previously defined or a vehicle operated in a manner and for the purposes stated in Massachusetts General Laws, Chapter 159A.***